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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,523	07/28/2006	Rudy Musschebroeck	NL 050110	2332

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EXAMINER

PENG, FRED H

ART UNIT	PAPER NUMBER
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2426

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,523	Applicant(s) MUSSCHEBROECK ET AL.	
	Examiner FRED PENG	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein (US 5,410,326).

Regarding Claim 1, Goldstein discloses a method of configuring a control device (FIG.1, 5) for enabling a user to select from among a plurality of sources that are available to supply content to an audio/video device (6-9), the method comprising:

establishing a communication connection between the control device and a remote server (FIG.1A; Col 7 lines 56-63; Col 8 lines 19-23, 42-46; Col 35 lines 60-67; database 700 connected to the network is remote server);

communicating to the remote server an indication of the plurality of sources that are available to supply content to the audio/video device (FIG.2D; Col 7 line 67 - Col 8 line 6);

receiving at the control device from the remote server respective representations of respective ones of the sources for being rendered at a user interface of the control device (FIG.2D; Col 7 line 67 - Col 8 line 6; Col 8 lines 42-46, 65-68); and

configuring the control device so that user interaction with a specific one of the representations rendered at the user interface of the control device causes the control device to

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provide a command to the audio/video device to select a specific one of the sources associated with the specific representation (Col 7 lines 23-32; Col 26 lines 15-26; viewing or recording the selected program).

Regarding Claim 2, Goldstein further discloses communicating to the remote server an indication of the plurality of sources comprising communicating respective identifiers, local to the user, of respective ones of the plurality of the sources (Col 27 lines 37-40), and

receiving at the control device from the remote server respective representations of respective ones of the sources comprises receiving control code that associates the respective representations of the respective sources with the respective identifiers (Col 27 lines 19-27; inherently receiving control code as an identification associated with each selection of the broadcast channel).

Regarding Claim 3, Goldstein further discloses the means comprising storing in a control device a look-up table of association of the respective local identifiers and the respective representations (Col 10 lines 3-40; such as program menu for selection).

Regarding Claim 4, Goldstein inherently discloses the sources comprise a broadcast channel having a channel number as an associated one of the identifiers; and

a corresponding one of the representations associated with the channel number comprises one of a logo and call sign of the broadcast channel (menu for broadcast channels inherently including one of a logo and call sign such as NBC).

Regarding Claim 5, Goldstein inherently discloses the source comprising a broadcast channel having a channel number as an associated one of the identifiers; and

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a corresponding one of the representations associated with the channel number is indicative of semantics of the content broadcast on the channel (FIG.6; ShowTime is the semantics of the content broadcast on the channel).

Regarding Claim 6, Goldstein further discloses communicating to the remote server an indication of the plurality of sources that are available to supply content to the audio/video device comprises communicating to the remote server an indication of a geographical area in which the user resides (Col 15 lines 41-48; Col 27 lines 31-40).

Regarding Claim 7, Goldstein further discloses communicating to the remote server an indication of the plurality of sources that are available to supply content to the audio/video device communicating to the remote server an indication of a content service provider that provides the content to the audio/video device (FIG.6; Col 9 lines 3-37).

Regarding Claims 8-9, Goldstein further discloses the corresponding one of the representations associated with the channel number comprises a video frame of the content currently being broadcast on the broadcast channel (menu for television broadcast inherently including current broadcast channel) and broadcast in the future (FIG.6).

Regarding Claim 10, Goldstein further discloses the control device is a remote control device, wherein the user interface comprising a touch screen of the remote control device, and wherein the user interaction with a specific one of the representations rendered at the user interface of the control device comprises a user touching a soft button on the touch screen (FIG.1, 10; Col 9 lines 3-23).

Regarding Claim 11, Goldstein further discloses establishing a communication connection between the control device and the remote server comprises establishing a network

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connection directly between the control device and the remote server (FIG.1A; Col 35 lines 60-67; the control device 5 communicates with the remote server through a telephone interface 25 and phone line 32).

Regarding Claim 13, Goldstein further discloses configuring the control device so that user interaction with a specific one of the representations rendered at the user interface of the control device causes the control device to provide a command to the audio/video device to select a specific one of the sources associated with the specific representation comprises installing control code in the control device that responds to a user selection of the specific representation by looking up in a database in the remote device a channel number corresponding to the specific representation and by launching a macro that causes the control device to send commands to the audio/video device corresponding to a sequence of digits that cause audio/video device to select the corresponding channel number (FIG.2A, 42; Col 9 lines 3-17; Col 13 lines 23-35; each number corresponding a sequence of digits that cause audio/video device to select the corresponding channel number).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US 5,410,326).

Regarding Claim 12, Goldstein discloses establishing a communication between a control device and the remote server through a set top computer (FIG.1, 6; Col 7 lines 3-10) but is not explicit about a person computer.

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It is well known in the art to use a person computer as an alternative to receive television signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goldstein's method to include a person computer as an alternative to receive video thus take advantage of existing popular home computer to save hardware cost.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/JOSEPH P HIRL/
Supervisory Patent Examiner, Art Unit 2426